

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MERLINE FAUST,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2013-3155

Petition for review of the Merit Systems Protection Board in No. DA4334120409-I-1.

ON MOTION

O R D E R

The United States Postal Service (USPS) moves to reform the caption to name the Merit Systems Protection Board (Board) as respondent and USPS as intervenor. USPS also moves for a 40-day extension of time from the

date of filing of this order for the respondent and intervenor to file their response briefs.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed this appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk